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MEMO ENDORSED

September 2, 2008

BY FAX: (212) 805-6724
Honorable Frank Maas
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Adjourned to 10/3/08 at
2 p.m.
Maas, USMJ,
9/2/08

Re: Matthew Smith v. City of New York et al., 07 CV 7993 (BSJ)(FM)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Arnold J. Levine, Esq., to request a thirty-day adjournment of the settlement conference currently scheduled for Friday, September 5, 2008, at 10:00 a.m., until a date convenient for the Court.

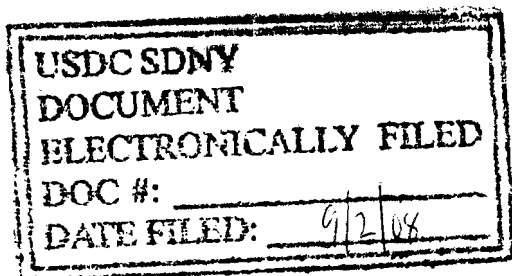
The parties have commenced settlement negotiations and a demand has been made upon the City. However, defendant City requires additional time to evaluate their response to the demand. This case has presented additional complexities because the allegations of excessive force occurred at Manhattan Central Booking, which involves both the New York City Police Department and Department of Correction. Defendant City expects to be able to assess this case shortly and the parties may be able to resolve this matter without judicial assistance.

Toward that end, defendant City requests a thirty-day adjournment of the settlement conference to a date convenient for the Court.

Thank you for your consideration in this regard.

Respectfully submitted,

Brian G. Maxey (BM 0451)



CC: BY FAX

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